

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

KATELYN ALDEN,)	CASE NO. 3:20-CV-3053
)	
Plaintiff,)	
)	
v.)	NOTICE OF REMOVAL
)	
ADVANCE SERVICES, INC. and SNAPPY)	
POPCORN CO.,)	
)	
Defendants.		

Defendant Advance Services, Inc. (“Advance Services”) files this Notice of Removal, thereby removing this case from the District Court of Carroll County, Iowa, to the United States District Court for the Northern District of Iowa, Central Division. In support of this Notice of Removal, Advance Services shows the following:

A. State Court Action.

This action was originally filed by Plaintiff Katelyn Alden (“Plaintiff”) on August 6, 2020, in the District Court of Carroll County, Iowa, assigned Case No. LACV040372 on the docket of that court. Plaintiff filed an Amended Petition on October 19, 2020. A copy of the Petition, Summons, Amended Petition, and pleadings served by Plaintiff to Advance Services are attached hereto as Exhibit A.

Plaintiff alleges that Defendant unlawfully discriminated against Plaintiff on the basis of her perceived or actual disability in violation of the Americans with Disabilities Act (ADA) and Iowa Civil Rights Act (ICRA).

Plaintiff is a former employee of Advance Services, a Nebraska corporation with its principal place of business located in Norfolk, Nebraska. Advance Services assigned Plaintiff to

perform temporary staffing work at its client, Defendant Snappy Popcorn Co., located in Breda, Carroll County, Iowa.

Plaintiff has demanded a trial by jury. Advance Services has not yet filed an answer or otherwise responded to Plaintiff's Petition. Defendant Advance Services accepted service of this lawsuit on October 6, 2020. Advance Services has consulted with Defendant Snappy Popcorn Co. and it has consented to the removal of this action in accordance with 28 U.S.C. § 1446(b)(2)(A).

B. Federal Question Jurisdiction.

This action is removable under 28 U.S.C. §§ 1331 and 1441. Plaintiff seeks to recover damages arising out of alleged violations of the ADA. These claims may be removed, as a matter of law, because they involve a federal statute providing original jurisdiction to the federal district court. Consequently, this Court has original jurisdiction under 28 U.S.C. §§ 1331 and 1441.

Further, this court has supplemental jurisdiction over Plaintiff's state law claims under the ICRA. These claims form part of the same case or controversy as the federal law claims because they arise out of Plaintiff's employment.

C. Timeliness of Removal.

This removal is timely. Defendant Advance Services accepted service of this lawsuit on October 6, 2020. Plaintiff's Amended Complaint was filed on October 19, 2020. Plaintiff's Amended Complaint added her federal claim alleging violations of the ADA. Defendant Snappy Popcorn Co. accepted service of this lawsuit on or around October 20, 2020. This Removal was filed within twenty (20) days of Advance Services' and Snappy Popcorn Co.'s acceptance of service and within thirty (30) days of Plaintiff's Amended Complaint from which it was first ascertained that the case is one which became removable and is therefore timely under 28 U.S.C. § 1446(b).

D. State Court Documents Attached.

In accordance with 28 U.S.C. §§ 1446(a), 1447(b), and 1449, a copy of all pleadings, process, and orders including other papers received by Advance Services are attached hereto as Exhibit A.

E. Notice to State Court and Plaintiff.

Advance Services will file a copy of this Notice of Removal with the District Court of Carroll County, Iowa, pursuant to 28 U.S.C. § 1446(d) and will also provide written notice to the Plaintiff of the filing of this Notice of Removal.

F. Prayer.

Advance Services prays that the United States District Court for the Northern District of Iowa accepts this Notice of Removal, assumes jurisdiction of this cause, and issues such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Dated this 26th day of October, 2020.

ADVANCE SERVICES, INC., Defendant,

By: /s/ Ruth A. Horvatic
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ATTORNEYS FOR DEFENDANT
ADVANCE SERVICES, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26th day of October, 2020, the above and foregoing **Notice of Removal** was filed electronically with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

Harley C. Erbe ERBE LAW FIRM 2501 Grand Avenue Des Moines, Iowa 50312 harleyerbe@erbelaw.com ATTORNEYS FOR PLAINTIFF	S. Luke Craven Whitfield & Eddy Law 699 Walnut Street, Suite 2000 Des Moines, Iowa 50309 craven@whitfieldlaw.com ATTORNEYS FOR DEFENDANT SNAPPY POPCORN CO.
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/s/ Ruth A. Horvatic
Ruth A. Horvatic